

Exhibit A

Wednesday, June 11, 2025 at 13:24:09 Eastern Daylight Time

Subject: RE: Perez v. Berkeley College - Court-filed documents
Date: Thursday, June 5, 2025 at 8:00:00 AM Eastern Daylight Time
From: Benenson, Steven P.
To: Chris Berman, Gesualdi, Suzanne
CC: Nolan, Caitlin M., Andrew Shamis, Scott Edelsberg, Catherine Rosario, Stephanie Babani
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png

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- Ten4 TG

Chris,

Your inquiries were whether we had internally reviewed “text logs” to determine why Mr. Perez received unwanted text messages after allegedly opting-out—not whether he had opted into mandatory individual arbitration in subscribing to Berkeley College’s text marketing service. When we spoke for the first time in April, I raised the possibility of resolving his claim on an individual basis, but you spoke only of a class-wide settlement. I clarified my client’s position on settlement in my May 7 email. We are surprised that you appear unaware of the Arbitration Agreement and apparently need to talk to your client about it.

We are seeking leave from the court to file our full motion under its Individual Practice Rules, which will include our memorandum of law, and supporting affidavits with the documents referenced in our Rule 4A letter you now seek. We are not prepared to engage in informal discovery now without court permission. The court has a well-thought-out process, and we intend to comply with it.

Steve

From: Chris Berman <cberman@shamisgentile.com>
Sent: Wednesday, June 4, 2025 2:51 PM
To: Gesualdi, Suzanne <SGesualdi@pbnlaw.com>
Cc: Benenson, Steven P. <SPBenenson@pbnlaw.com>; Nolan, Caitlin M. <CMNolan@pbnlaw.com>; Andrew Shamis <ashamis@shamisgentile.com>; Scott Edelsberg <scott@edelsberglaw.com>; Catherine Rosario <crosario@shamisgentile.com>; Stephanie Babani <sbabani@shamisgentile.com>
Subject: Re: Perez v. Berkeley College - Court-filed documents

EXTERNAL MESSAGE

Thanks Sue.

Steven – this is the very first instance you have raised the issue of arbitration, and we have been asking you what your client's position was since the outset of this case. Can you please provide the form you now contend our client assented to, along with the date and time of such alleged consent? We are happy to review everything with our client.

All the best,



Christopher E. Berman | Attorney
SHAMIS GENTILE
CLASS ACTION LAW FIRM
14 NE 1st Ave Suite 705 | Miami, FL 33132
Tel: 305.479.2299 | Fax: 786.623.0915
www.shamisgentile.com



From: "Gesualdi, Suzanne" <SGesualdi@pbnlaw.com>
Date: Wednesday, June 4, 2025 at 2:45 PM
To: Chris Berman <cberman@shamisgentile.com>
Cc: "Benenson, Steven P." <SPBenenson@pbnlaw.com>, "Nolan, Caitlin M." <CMNolan@pbnlaw.com>
Subject: Perez v. Berkeley College - Court-filed documents

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- Ten4 TG

Dear Mr. Berman:

This firm represents defendant Berkeley College in the above action. I attach courtesy copies of the following court-filed documents:

- Berkeley College's Rule 7.1 Statement;
- Letter to Judge Donnelly requesting a pre-motion conference pursuant to her Individual Practices and Rules; and
- Notice of Appearance of Caitlin M. Nolan, Esq.

Thank you,
Sue Gesualdi

Suzanne Gesualdi (she/her)
Senior Paralegal/New York Office Manager
SGesualdi@pbnlaw.com
Phone: (646) 348-6729

PORZIO

Bromberg & Newman

1675 Broadway, Suite 1810

New York, NY 10019-3800

www.pbnlaw.com



Mansfield Rule

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Wednesday, June 11, 2025 at 13:23:43 Eastern Daylight Time

Subject: Re: Perez v. Berkeley College: EDNY TCPA: Request for Extension
Date: Tuesday, June 3, 2025 at 9:01:04 AM Eastern Daylight Time
From: Benenson, Steven P.
To: Berman Chris
CC: Shamis Andrew, Scott Edelsberg

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- Ten4 TG

Chris,

There is no change in my client's position. We will be responding to the class action complaint tomorrow.

Best regards,

Steve

On Jun 2, 2025, at 4:24PM, Chris Berman <cberman@shamisgentile.com> wrote:

EXTERNAL MESSAGE

Steve,

Hope all is well. I see we are coming up on your client's response deadline this Thursday. Has your client completed its investigation on our client's claims (failure to stop texting) here? Happy to schedule a call to discuss further if necessary.

All the best,

[<image001.png>](#)
≥

Christopher E. Berman | Attorney
SHAMIS GENTILE
CLASS ACTION LAW FIRM
14 NE 1st Ave Suite 705 | Miami, FL 33132
Tel: 305.479.2299 | Fax: 786.623.0915
www.shamisgentile.com

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[<image007.png>](#)

From: "Benenson, Steven P." <SPBenenson@pbnlaw.com>
Date: Wednesday, May 7, 2025 at 2:54 PM
To: Chris Berman <cberman@shamisgentile.com>, Garrett Berg
<gberg@shamisgentile.com>
Subject: RE: Perez v. Berkeley College: EDNY TCPA: Request for Extension

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- Ten4 TG

Chris,

Thanks for checking in. The company's investigation into the Perez claim is ongoing. Once complete, if we determine that the matter is best resolved through early settlement, and are so authorized by our client, I will reach out to discuss the best path forward.

Best regards,

Steve

From: Chris Berman <cberman@shamisgentile.com>
Sent: Wednesday, May 7, 2025 12:03 PM
To: Benenson, Steven P. <SPBenenson@pbnlaw.com>; Garrett Berg
<gberg@shamisgentile.com>
Subject: Re: Perez v. Berkeley College: EDNY TCPA: Request for Extension

EXTERNAL MESSAGE

Hi Steven,

Following up on our conversation last week. Any chance you've had time to review the text logs to see what we are dealing with yet?

All the best,

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≥

Christopher E. Berman | Attorney
SHAMIS GENTILE
CLASS ACTION LAW FIRM
14 NE 1st Ave Suite 705 | Miami, FL 33132
Tel: 305.479.2299 | Fax: 786.623.0915
www.shamisgentile.com

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[<image014.png>](#)

From: "Benenson, Steven P." <SPBenenson@pbnlaw.com>
Date: Wednesday, April 30, 2025 at 1:02 PM
To: Garrett Berg <gberg@shamisgentile.com>, Chris Berman
<cberman@shamisgentile.com>
Subject: RE: Perez v. Berkeley College: EDNY TCPA: Request for Extension

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- Ten4 TG

Thanks Garrett. Chris called me and communicated the same, which is appreciated.

From: Garrett Berg <gberg@shamisgentile.com>
Sent: Wednesday, April 30, 2025 12:59 PM
To: Benenson, Steven P. <SPBenenson@pbnlaw.com>; Chris Berman
<cberman@shamisgentile.com>
Subject: Re: Perez v. Berkeley College: EDNY TCPA: Request for Extension

EXTERNAL MESSAGE

Hi Steve,

No problem since we are in agreement that if we need the same extension you will not oppose.

Thanks, and look forward to working with you here.

[<image008.png>](#)

>

Garrett Berg | Partner
SHAMIS GENTILE
CLASS ACTION LAW FIRM
14 NE 1st Ave, Suite 705 | Miami, FL 33132
Tel: 305.479.2299 | Fax: 786.623.0915
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From: "Benenson, Steven P." <SPBenenson@pbnlaw.com>
Date: Wednesday, April 30, 2025 at 12:55 PM
To: Chris Berman <cberman@shamisgentile.com>, Garrett Berg
<gberg@shamisgentile.com>
Subject: Perez v. Berkeley College: EDNY TCPA: Request for Extension

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Chris and Garrick:

I have been engaged to represent Berkeley College in the TCPA class action your firm filed in on behalf of Dennis Perez in the Eastern District of New York.

I am requesting a 30-day extension to respond to the complaint. Berkeley was served on April 15, and its response is due on May 6. The extension would be through June 5.

All professional courtesies will of course be reciprocated.

I would also appreciate a call to discuss the matter.

Best regards,

Steve

Steven P. Benenson, Esq.

Of Counsel

SPBenenson@pbnlaw.com

Phone: (973) 889-4339

[vCard](#) | [CV](#)

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100 Southgate Parkway P.O. Box 1997
Morristown, NJ 07962-1997

www.pbnlaw.com

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Subject: Dennis Perez

Date: Thursday, March 13, 2025 at 11:05:24 AM Eastern Daylight Time

From: Legal@berkeleycollege.edu

To: cberman@shamisgentile.com, gberg@shamisgentile.com

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- Ten4 TG

Attention: Chris Berman and Garrett Berg

Thank you for your letter of February 20, 2025.

Berkeley College utilizes Salesforce to manage its automated text messaging. The College relies on Salesforce to remove an individual from future text messages when the individual “opts out” of receiving text messages. Our records indicate an individual named Dennis Perez “opted out” of receiving text messages from Berkeley College on December 3, 2021. Our records do not indicate any subsequent text messages to such individual.

Berkeley College
Legal Department